

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board
Docket No. 05-411

BOARD'S RULING ON APPEAL

All hearings are audio recorded. The digital recording (which is on file at the office of the Board of Building Regulations and Standards) serves as the official record of the hearing. Copies of the recording are available from the Board for a fee of \$10.00 per copy. Please make requests for copies in writing and attach a check made payable to the Commonwealth of Massachusetts for the appropriate fee. Requests may be addressed to:

Patricia Barry, Coordinator
State Building Code Appeals Board
BBRS/Department of Public Safety
One Ashburton Place - Room 1301
Boston, MA 02108

Kevin Hastings)
Appellant,)
)
v.)
)
City of Cambridge, Michael Grover, and)
Daniel Turner)
Appellees)

Procedural History

This matter came before the State Building Code Appeals Board ("the Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant asks the Board to grant a variance from 403.2, 904.2, 906.2.1, of the Massachusetts State Building Code ("MSBC") and Chapter 148 Section 26A of MGL pertaining the property of One Broadway, Cambridge, MA. In accordance with MGL c. 30A, §§ 10 and 11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the Board convened a public hearing on August 21, 2007 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Present and representing himself was the Appellant. Also present were Michael Grover, Daniel Turner, and Christopher Townsen.

The variance was:

☒..... **Granted**

☐..... Denied

☐..... Rendered Interpretation

☐.....Granted with conditions (see below)

☐..... Dismissed

The vote was:

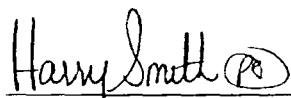
☐Unanimous

☒ **Majority**

Reasons for Variance:

Testimony was presented by the Appellant, which described the project and some history on the transformer vault under appeal. On December 8, 2006 an electrical fire occurred in the transformer vault at One Broadway. Since that time the building has been cleaned and power restored via a temporary electrical service and transformer. Plans have been developed to install a new transformer in the same location as the existing transformer within a reconstructed vault that contains new 3-hour walls, ventilation system, and other fire safety attributes (11 total) which are contained in the documents on file for this appeal. These 11 fire safety features are the same as those contained in other variances granted for NSTAR transformer vaults where water sprinklers are omitted. Daniel Turner of the Cambridge Fire Dept., and Michael Grover of the City of Cambridge Building Dept., testified that they were not opposed to the granting of this variance.

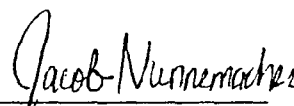
Following testimony, and based upon relevant information provided, Stanley Shuman made a motion to grant the variance from 403.2, 904.2, 906.2.1, of the Massachusetts State Building Code. The motion was seconded by Jake Nunnemacher and a vote was taken. Harry Smith and Stanley Shuman voted in favor of the motion and Jake Nunnemacher voted against the motion.



Chairman -Harry Smith



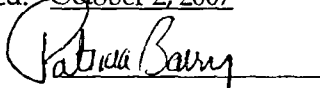
Stanley Shuman



Jake Nunnemacher

A complete administrative record is on file at the office of the Board of Building Regulations and Standards.

A true copy attest, dated: October 2, 2007


Patricia Barry, Clerk

Any person aggrieved by a decision of the State Building Code Appeals Board may appeal to a court of competent jurisdiction in accordance with Chapter 30A, Section 14 of the Massachusetts General Laws.